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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ELEANOR OAKLEY)	
)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. 3:12-cv-000127-HRH
UNITED STATES OF AMERICA)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Eleanor Oakley complains against the Defendant United States of America and states as follows:

I. Jurisdiction

1. At all times relevant hereto, Eleanor Oakley was a resident of Wasilla, Alaska in the District of Alaska.
2. This cause of action arises under the Federal Tort Claims Act 28 U.S.C. sec. 1346, 2401, and 2671 et seq.

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3. At all times relevant hereto, Jeffrey Semak NP, was an employee and/or agents of the United States of America.

4. At all times relevant hereto Southcentral Foundation Valley Native Primary Care was an agent and/or employee of the United States of America.

5. At all times relevant hereto, the Alaska Native Medical Center was an agent and/or employee of the United States of America.

6. Each of the employees and entities named above were acting within the scope of their employment and/or agency at the time of the events described herein.

7. The claims set forth herein were presented to the United States Department of Health and Human Services, Public Health Service. That agency has made a final disposition of the claim dated February 13, 2012. This tort claim is timely brought pursuant to 28 U.S.C. § 2401(b).

8. Based on paragraphs 1-7 above, this court has jurisdiction over the claims asserted herein.

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II. Facts

9. On or about January, 2008, Eleanor Oakley was treated for diabetes 2 and other conditions, including extreme involuntary movements and dystonia.

10. Eleanor Oakley was treated with haloperidol (hereinafter “haldol” the more common trade name for haloperidol) for the extreme movements and dystonia.

11. On information and belief, Nurse Practitioner Jeffrey Semak, as an employee of Southcentral Foundation Valley Native Primary Care prescribed the haldol to treat Eleanor Oakley

12. The prescription for haldol was a recurring prescription that was filled by Alaska native Medical Center pharmacy and that continued until April of 2009.

13. The recurring prescription for haldol caused Eleanor Oakley to suffer debilitating and chronic tardive dyskinesia.

III. Allegations of Negligence

Plaintiff incorporates the allegations set forth in Paragraphs 1-13.

14. Agents and/or employees of the Southcentral Foundation Valley Native Primary Care and the Alaska Native Medical Center either lacked

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the degree of knowledge and skill possessed by health care providers in their field of specialty or failed to exercise the degree of care ordinarily exercised under the circumstances by health care providers in their field or specialty.

15. The negligent care and conduct of employees and/or agents of the Southcentral Foundation Valley Native Primary Care and the Alaska Native Medical Center was a direct and proximate cause of Eleanor Oakley's damages including, pain and suffering, loss of enjoyment of life, wage loss and other economic and non-economic damages.

WHEREFORE Plaintiff Eleanor Oakley prays for relief as follows:

1. Compensation for all categories of damages allowed under AS 09.55.549 in the amount of \$5,000,000.00.
2. All costs, interest and other relief the court deems just and equitable under the circumstances.

RESPECTFULLY SUBMITTED this 18th day of June, 2012.

s/James Wendt

James Wendt

Attorney at Law

Alaska Bar No. 9201001

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